

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA  
Tuesday, April 13, 9:00 a.m.  
City Hall Conference Room  
300 North Loraine  
Midland, Texas**

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These items, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

1. Discuss the Fiscal Year 2010-2011 Budget and discuss the forecast for projected revenues and expenditures.

AGENDA FOR CITY COUNCIL MEETING  
Tuesday, April 13, 2010 – 10:00 a.m.  
Council Chamber – City Hall

The Midland City Council agenda is posted for public notice at least 72 hours prior to the Tuesday meetings. All requests to be placed on the Council agenda by the public must be submitted to the City Manager, in writing, at least one week before the Council meetings. Such written requests must be in sufficient detail to identify the subject matter as well as the contact person who will represent the matter before the Council. The City Council reserves the right to not consider matters over which the City has no jurisdiction.

★ These items are related to achieving City Council’s Policy Agenda for 2009:

- Infrastructure
- Housing
- Economic Development
- Funding

1. Invocation – Larry L. Long, Fellowship Community Church of Midland

**INVOKED**

2. Pledge of Allegiance

**PLEDGED**

**MISCELLANEOUS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

- a. Presentation of Proclamation for Parkinson’s Disease Awareness Month.

**PRESENTED**

- b. Presentation of Proclamation for Fair Housing Month.

**PRESENTED**

- c. Presentation of Proclamation for Public Health Month.

**PRESENTED**

- d. Recognition of the 2009-2010 Midland 101 Graduates.

**RECOGNIZED**

**PUBLIC COMMENT**

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.

**CONSENT AGENDA**

- 5a. Consider a motion approving minutes of the March 9, 2010, Regular City Council Meeting.

**APPROVED**

- 5b. Consider a motion approving minutes of the March 23, 2010, Special City Council Meeting.

**APPROVED WITH**

6. Consider a resolution approving the purchase of two (2) thirty-three cubic yard refuse bodies from Southwestern Equipment Company of Justin, Texas, and one (1) twenty cubic yard refuse body from Equipment Southwest, Incorporated, of Irving, Texas, at a total cost of \$179,710.00.

**APPROVED**

7. Consider a resolution accepting a \$25,000.00 contribution to be used toward Wall Street Rehabilitation Project # 8651 from Tax Reinvestment Zone # 1; authorizing the execution of a contract for the construction of sidewalks and tree wells as part of said project with Desert Paving, Incorporated, of Odessa, Texas, at an estimated cost of \$57,640.00; and appropriating funds.

**APPROVED WITH AMENDMENT**

8. Consider a resolution authorizing the purchase of four hundred and forty (440) meter transceiver units to be used with the City's new automated water meter reader system, from Western Industrial Supply, L.L.C., of Odessa, Texas; said purchase was not bid but purchased as a sole source; and the costs for the meter transceiver units shall be approximately \$50,600.00.

**APPROVED**

9. Consider a resolution approving the purchase of four hundred and forty (440) water meters of various sizes, all with encoder registers, from Badger Meter, Incorporated, and Western Industrial Supply, L.L.C., at a total cost of \$52,212.20.

**APPROVED**

- ★10. Consider a resolution authorizing the purchase of one hundred sixty seven (167) tons of emulsified asphalt from NK Asphalt Partners dba Holly Asphalt Company, at a total cost of \$82,999.00.

***[Related to Council Priority: Infrastructure]***

**APPROVED**

11. Consider a resolution approving the purchase of an asphalt paver through the Houston-Galveston Area Council of Governments (HGAC) at a total cost of \$65,841.00; and this item was not bid but purchased through a Council of Governments.

**APPROVED**

12. Consider a resolution authorizing an amendment to the existing Spraberry Farm Lease Extension Agreement with Spraberry CGC, Incorporated; this amendment will reduce expenditures made by the City for fertilizer, reduce payments made to City by Spraberry CGC, Incorporated, and extend the term of the agreement by eleven (11) months.

**APPROVED**

13. Consider a resolution authorizing the purchase of the northernmost 541 square feet of the west half of Block 2, Original Town Addition, City of Midland, Midland County, Texas, from Richard Cornett of Midland, Texas, for \$108.20; all closing costs to be borne by the City of Midland; and ordering recordation by the Interim City Secretary.

**APPROVED**

14. Consider a resolution authorizing the execution of a Right Of Way License Agreement with Patriot Resources Incorporated for 794.55 rods for a water pipeline in Section 34, Block 38, T-1-N, and Section 5, Block 38, T-1-S, T&P RR Co. Survey, Martin County, Texas.

**APPROVED**

15. Consider a resolution establishing Project Number 8939 "Cremation Unit Renovation 2010" for renovation of the Animal Services Cremation Unit; and appropriating \$6,500.00 therefor.

**APPROVED**

16. Consider a motion on a request by Schumann Engineering Co., Inc. for Pecan Acres Addition Section 5, to approve a deferral of sewer and street paving with curb and gutter, and to waive the associated public improvement guarantee. (Generally located in our Extra Territorial Jurisdiction on Trenton Drive near Trobaugh Boulevard. Total value of deferrals is \$310,000.

**APPROVED**

- ★17. Consider a resolution accepting a grant from the Southwest Border High Intensity Drug Trafficking Areas Program in the amount of \$157,400.00; this grant will be utilized for the purpose of enhancing and coordinating drug control efforts among federal, state, and local law enforcement agencies to better combat drug trafficking; and appropriating funds.

***[Related to Council Priority: Funding]***

**APPROVED**

- ★18. Consider a resolution accepting additional grant funding from the Southwest Border High Intensity Drug Trafficking Areas Program in the amount of \$17,000; these funds will be directed to the 09 High Intensity Drug Trafficking Areas Project 7010; and appropriating funds.

***[Related to Council Priority: Funding]***

**APPROVED**

19. Consider a resolution authorizing the execution of a temporary water and sewer service agreement between the City of Midland and Pioneer Natural Resources for service to #7 East Industrial Loop, Midland, Texas, 79701; said property is outside the city limits; Pioneer Natural Resources has executed a letter agreeing to annexation if and when the property is annexed; Pioneer Natural Resources shall be charged a rate for service which is one and one-half times the rate charged customers in the city limits; and ordering recordation by the Interim City Secretary.

**APPROVED**

- ★ 20. Consider a motion on request directing City staff to proceed with two requests for annexation of approximately 105 acres of land located on the west side of Tradewinds Boulevard, north of Thomason Drive and on the north side of Briarwood Avenue, west of Holiday Hill Road.

***[Related to Council Priority: Housing]***

**APPROVED**

- ★ 21. Consider a motion approving the 2009 Downtown Midland Tax Increment Reinvestment Zone No. 1 Annual Report.

***[Related to Council Priority: Economic Development]***

**APPROVED**

**SECOND READINGS**

22. Consider an ordinance on a second reading vacating and abandoning with reservations a 0.038-acre portion of Northrup Drive Right-Of-Way North of Sinclair Avenue and south of Neely Avenue, and a 0.024-acre portion of the north/south alley, (approximately 1,051 square feet), generally located south of Neely Avenue, north of Gulf Avenue, east of Northrup Drive and west of Culver Drive, and a 0.055-acre portion of Northrup Drive Right-Of-Way in the City of Midland in Section 21, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas (approximate 2,395 square foot tract of land located north of Sinclair Avenue and south of Gulf Avenue); and a 1.260-acre portion of Culver Drive Right-Of-Way adjacent to Lots 1-11, Block 8, West Way Addition, City and County of Midland, Texas (Generally located adjacent to Midland Christian School, north of Sinclair Avenue and south of Gulf Avenue); adopting the appraisal by the City Manager of \$134,991.00; and ordering recordation by the Interim City Secretary; and authorizing and directing the City Manager to execute a Special Warranty Deed with reservations with Midland Christian School; and establishing an effective date for the vacating and abandoning.

**APPROVED**

23. Consider an ordinance on a second reading amending Title XI, "Planning and Development", Chapter 2, "Plats and Subdivisions", Section 5, "Requirements for Public Improvements, Reservation and Design", Subsection (B), "Lot Design and Improvements", Paragraph 8, "Site Plan Approval", of the City Code of Midland, Texas, so as to add the IP-1, Industrial Park District to the zoning districts exempted under Subparagraph 8(a), and so as to delete Subparagraphs 8(c)-(g); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication.

**APPROVED**

24. Consider an ordinance on a second reading granting a special exception for the west 40 feet of Lot 2 and east 20 feet of Lot 3, Block 70, West End Addition, City and County of Midland, Texas (generally located on the south side of West Illinois Avenue, approximately 60 feet west of North “K” Street), by permitting an encroachment into the required front yard setback for construction of a carport; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); ordering recordation by the City Secretary in the deed records of Midland County, Texas; and ordering publication.

**APPROVED**

25. Consider an ordinance on a second reading amending the Fire District so as to delete therefrom Lot 1, Block 10, Trueland Addition, Section 2, City and County of Midland, Texas (generally described as 2107 North Fairgrounds Road); directing the building official to amend the fire district map; containing a cumulative clause; and containing a savings and severability clause.

**APPROVED**

26. Consider an ordinance on a second reading vacating and abandoning an 80-foot by 140-foot portion of Adams Street Right-of-Way located between Lot 1, Block 55, East Midland Addition, Section 12, and Lot 1, Block 56, East Midland Addition, City and County of Midland, Texas (generally located between Cherry Lane and Garden Lane); adopting the appraisal by the City Manager of \$1,120.00; and ordering recordation by the City Secretary.

**APPROVED**

**PUBLIC HEARINGS**

27. At approximately 10:30 a.m. hold a public hearing and consider an ordinance granting a special exception for Lot 7, Block 15, College Heights Addition, City and County of Midland, Texas (generally located on the northeast corner of the intersection of College Avenue and Burleson Street), by permitting an encroachment into the required side yard setback for construction of a garage; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); ordering recordation by the Interim City Secretary in the deed records of Midland County, Texas; and ordering publication.

**APPROVED**

28. At approximately 10:33 a.m. hold a public hearing and consider an ordinance granting a special exception for Lot 30, Block 22, Crestgate Addition, Section 40, City and County of Midland, Texas (generally located on the west side of Coquina Court, approximately 140 feet south of Bluebird Lane), by permitting an

encroachment into the required front yard setback for construction of a primary structure; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); ordering recordation by the Interim City Secretary in the deed records of Midland County, Texas; and ordering publication.

**APPROVED**

29. At approximately 10:36 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for outdoor plant sales on Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Loop 250 North and North Midkiff Road); and making said permit subject to certain special conditions and restrictions contained herein.

**APPROVED**

30. At approximately 10:39 a.m. hold a public hearing and consider an ordinance of the City Council of the City of Midland, Texas, ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (The "Act"); providing tax incentives; designating a liaison for the communication with interested parties; nominating Plains All American Pipeline, L.P., to the office of the Governor, Economic Development and Tourism ("EDT") through the Economic Development Bank (the "Bank") as an Enterprise Project; and providing an effective date.

**APPROVED**

**DEVELOPMENT SERVICES**

31. Consider an ordinance amending the Fire District so as to delete therefrom Lot 6, Block 165, Southern Addition, City and County of Midland, Texas (Generally described as 710 South Atlanta Street); directing the Building Official to amend the Fire District Map; containing a cumulative clause; and containing a savings and severability clause.

**APPROVED**

32. Consider an ordinance an ordinance vacating and abandoning a 0.5-acre portion of Harrison Street Right-Of-Way adjacent to the east side of Lots 1-3, Block 19, replat of South Park Addition, and a 715.5-foot portion of New Jersey Avenue Right-Of-Way at the Harrison Street Intersection, City and County of Midland, Texas (Generally located on Harrison Street south of New Jersey Avenue); adopting the appraisal by the City Manager of \$2,474.50; retaining a general utility easement; and ordering recordation by the Interim City Secretary.

**APPROVED**

**MISCELLANEOUS**

- ★ 33. Consider a resolution approving a second amendment to the Economic Development Agreement between the Midland Development Corporation and Trace Engines, L.P., as authorized by Chapter 501 of the Texas Local Government Code; said amendment reduces the company's job creation obligation from one hundred fourteen (114) full-time jobs to twenty-five (25) full-time jobs.

***[Related to Council Priority: Economic Development]***

**DEFERRED**

- ★ 34. Consider a resolution approving an amendment to the Economic Development Agreement between the Midland Development Corporation and Sentry Pumping Units International, Inc., as authorized by Chapter 501 of the Texas Local Government Code.

***[Related to Council Priority: Economic Development]***

**APPROVED**

- ★ 35. Consider a resolution approving an amendment to the Economic Development Agreement between the Midland Development Corporation and Natural Gas Services Group, Inc., as authorized by Chapter 501 of the Texas Local Government Code.

***[Related to Council Priority: Economic Development]***

**APPROVED**

- ★ 36. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and Apache Corporation, as authorized by Chapter 501 of the Texas Local Government Code.

***[Related to Council Priority: Economic Development]***

**APPROVED**

37. Consider a motion making appointments to various Boards and Commissions.

**APPOINTMENTS MADE**

38. Recess to the conference room for lunch.

39. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

**Section 551.087 Deliberation Regarding Economic Development Negotiations**

Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

**Section 551.071, Consultation with the City Attorney**

Discuss litigation styled Otimio J. Longoria v. City of Odessa and City of Midland, 358<sup>th</sup> Judicial District Court, Ector County, Texas; Cause No. D-129,237.

Respectfully submitted,

Courtney B. Sharp  
City Manager